

REMARKS

Claims 1 and 3-66 are pending in this application. By this Amendment, claims 5, 20, 25 and 30 are amended to be independent claims. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments only re-write claims in independent form and the scope of all claims remains the same; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to the final rejection indicating that the claims recite allowable subject matter. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Bowers in the June 28, 2010 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Applicants thank the Examiner for indicating that claims 5-9 and 20-30 recite allowable subject matter.

I. Claims 1, 3, 4, 10-12, 18, 19, 24 and 65

The Office Action rejects claims 1, 3, 4, 10-12, 18, 19, 24 and 65 under 35 U.S.C. §103(a) over Viitala (U.S. Patent No. 4,643,713) in view of Oshiyama (U.S. Patent No. 4,976,708). Applicants respectfully traverse the rejection.

Claim 1 recites "a first chamber opening in one of the walls . . . a second chamber opening . . . being located in a middle portion in a length of a top portion of the chamber; and a third chamber opening . . . being located in a middle portion of a bottom portion of the chamber." The Office Action admits that Viitala fails to disclose the second chamber opening being located in the middle of the top portion but alleges that modifying Viitala

"would represent a mere rearrangement of parts that would not affect the functionality of the device, and instead would only represent a cosmetic design choice." Office Action at pages 4 and 5.

During the personal interview, Applicants' representative argued, and Examiner Bowers tentatively agreed, that moving Viitala's alleged second housing opening (vent 46) is not a cosmetic design choice because Viitala's vent 46 is specifically located based on fluid flow properties. *See, e.g.*, Viitala at col. 3, lines 43-56. But, Examiner Bowers alleged that Oshiyama discloses that a vent can be located anywhere along a top of a bubble trap, citing Oshiyama at col. 6, lines 10-12.

As discussed, for example, in paragraph [0055] and shown, for example, in Figs. 13 and 14 of the originally filed specification, the features of claim 1 provide an advantage that is neither disclosed in nor obvious in light of the applied references. By including the above-quoted features of claim 1, a bubble trap can be tilted at various large angles and still operate fully. This is particularly advantageous for a bubble trap that is used on a portable device, such as an organ transporter, which may undergo substantial tilting during handling and transportation.

The above quoted features provide a solution to a disadvantage of the prior art, i.e., a bubble trap that is fully functional at large tilt angles. *See* MPEP §2145(X)(D)(3). The prior art of record neither recognizes that bubble traps can function poorly when tilted, nor does the prior art of record provide a solution to this problem.

Also, the results of the claimed invention were surprising (*see* MPEP §2141(V)). Locating the features as claimed allows a bubble trap that is fully functional at large tilt angles and this is surprising because Oshiyama allegedly suggests that a vent for bubbles can be located anywhere along a top portion of a bubble trap.

Further, the teachings of the prior art references conflict. *See* MPEP §2143.01(II).

Oshiyama allegedly suggests that a vent for bubbles can be located anywhere along a top portion of a bubble trap. Oshiyama at col. 6, lines 10-12. But Viitala provides specific parameters where Viitala's vent 46 should be located. Viitala at col. 3, lines 43-56. When the references are taken together as a whole, one of ordinary skill would not simply disregard Viitala's specific teaching based on Oshiyama's indifference as to the location of a vent.

Finally, the above-quoted features of claim 1 would not have been obvious to try in view of Oshiyama because (1) there was not a recognized problem or need in the art at the time of the invention, (2) there was not a finite number of identified, predictable potential solutions to a recognized problem or need, and (3) one of ordinary skill in the art could not have pursued known potential solutions with a reasonable expectation of success. MPEP §2144.06(II). Regarding (1), as discussed above, the prior art does not recognize tilting a bubble trap as a problem. Regarding (2), there was not a finite number of identified, predictable solutions to a recognized problem or need because the prior art does not recognize the problem, and Oshiyama cannot be interpreted as providing a finite number of solutions because locating a vent "anywhere" on a top portion of a bubble trap as allegedly disclosed represents an infinite number of locations. Regarding (3), the prior art does not provide any known potential solutions because the prior art does not even recognize the problem.

Claims 3, 4, 10-12, 18, 19, 24 and 65 are patentable by reason of their dependency from independent claim 1, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

II. Claims 13-17, 56-64 and 66

The Office Action rejects claims 13-17, 56-64 and 66 under 35 U.S.C. §103(a) over Viitala in view of Oshiyama and Sadri (U.S. Patent No. 5,494,822). Applicants respectfully traverse the rejection.

The rejection of claims 13-17 is premised upon the rejection of claim 1 over Viitala and Oshiyama. As discussed above, Viitala and Oshiyama fail to disclose, and would not have rendered obvious, all of the features of claim 1. Futher, Sadri fails to overcome the deficiencies of Viitala and Oshiyama.

Claim 56 recites "a first chamber opening in one of the walls . . . a second chamber opening . . . being located in a middle portion in a length of a top portion of the chamber; and a third chamber opening in one of the walls . . . being located in a middle portion of a bottom portion of the chamber." The rejection of claim 56 is premised upon the same reasoning as the rejection of claim 1. As discussed above, Sadri fails to overcome the deficiencies of Viitala and Oshiyama. Thus claim 56 is patentable at least for the reasons discussed above with respect to claim 1 and claims 57-64 and 66 are patentable by reason of their dependency from claim 56, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

III. Rejoinder of Withdrawn Claims

Applicants respectfully request rejoinder of withdrawn claims 31-55, upon the allowance of at least independent claim 1. Independent claim 31 includes features similar to those recited in independent claim 1. Thus, upon allowance of claim 1, rejoinder and allowance of claim 31, and the claims depending therefrom, are respectfully requested. See MPEP §821.04.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Amendment Transmittal

Date: July 7, 2010

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